

		AMENDM	IENT NO
		(to be fille	ed in by
H776-ABD-16 [v.	.6]	Principal	Clerk)
			Page 1 of 5
Amends Title [NO	)]	Date	,2021
H776-CSBDf-26	<del>-</del>	<u></u>	,2021
Senator Daniel			
moves to amend the	he bill on page 1, lines 18-19, b	y rewriting those lines t	to read:
"(3)	<u>Credential analysis. – A proceservice performs a remote analof the identification pursuant to a service performs a remote analog the identification pursuant to a service performs a remote analog to a service performs a service performance performs a service performance performs a service performance performs a service performance performance performance performance performs a service performance p</u>	ysis of the characteristi	
and on page 2, line	es 3-4, by inserting the following	g between those lines:	
	remote electronic nota physically located in N notary verified that the located in North Caroli f. An acknowledgment	arization, the remote North Carolina and that e remotely located pr na. or jurat certification the remotely located p	that, at the time of the electronic notary was the remote electronic incipal was physically identifying the North rincipal was physically tarization.";
2 2	es 10-11, by inserting the follow  Third-party vendor. – Any p  credential analysis, identity	erson providing comr	nunication technology,
and on page 3, li	electronic notaries."; es 7 and 30, by inserting "remotence 22, by deleting the phrase brase "verify the remotely locate	<u>e electronic</u> " before " <u>no</u>	otarial" on those lines;



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2 3			
4	and on page 3, lines 26-27, by inserting the following between those lines:		
5		"(7)	
6		" <u>(7)</u>	Be capable of utilizing the IP address of the remotely located principal to
7			corroborate that the remotely located principal is physically located in North
8			<u>Carolina.</u> ";
9			
10 11	and on na	go 3 lir	ne 42, by inserting the following after "State." on that line:
12	and on pa	gc 3, m	ic 42, by inscrining the following arter <u>State.</u> On that fine.
12 13	"The loca	tion of	the remotely located principal shall be verified through one of the following
14	methods:		
14 15	<u> </u>	<u>(1)</u>	The remotely located principal's verification, by oath or affirmation to the
16		<del>3/</del>	remote electronic notary, of the North Carolina county in which the remotely
17			located principal is physically located.
18		<u>(2)</u>	The communication technology used for the remote electronic notarization
19			reflects that the IP address being used by the remotely located principal is
			physically located in North Carolina.";
21			· · · · · · · · · · · · · · · · · · ·
22			
23	and on pag	ge 4, lir	nes 8-9, by inserting the following between those lines:
24			
25		" <u>(5)</u>	The location of the remotely located principal shall be verified in accordance
26			with G.S. 10B-134.7(b).";
27			
20 21 22 23 24 25 26 27 28			
	and on pa	ge 4, lir	ne 40, through page 5, line 4, by rewriting those lines to read:
30			
31	" <u>(a)</u>		to the remote electronic notarial act, the remote electronic notary shall cause to
32	have each		ely located principal's identity verified through one of the following methods:
33		<u>(1)</u>	The remote electronic notary's personal knowledge of the remotely located
34		(2)	principal creating the electronic signature.
35		<u>(2)</u>	All of the following:
36			a. <u>Credential analysis, approved by the Secretary, of a current document</u>
37			issued by a federal, state, or federal or state recognized tribal
38			government agency bearing the photographic image of the individual's
39			face and either the signature or a physical description of the individual.
40			b. Identity proofing approved by the Secretary.
41			c. Comparison, by the remote electronic notary, of the current document
<del>1</del> 2			issued by a federal, state, or federal or state recognized tribal
43			government agency bearing the photographic image of the individual's

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1 2 3 4 5	face and either the signature or a physical description of the individual presented by the remotely located principal during credential analysis and the image of the remotely locate principal via the communication technology.";
6 7 8 9	and on page 5, lines 25-27, by rewriting those lines to read:  "the document by each remotely located principal and verified the remotely
10 11 12	located principal's identity under G.S. 10B-134.11.";
13 14 15 16	and on page 5, line 33, by deleting "satisfactory evidence, other than through a credible witness, $\underline{of}$ ";
17 18 19	and on page 6, line 47, by inserting "remote electronic" before "notarial" on that line;
20 21 22 23	and on page 7, lines 11, 15, 22, 30, and 38, by inserting "remote electronic" before "notarial" on those lines;
24 25 26	and on page 7, line 41, by inserting "remote" before "electronic" on that line;
27 28 29	and on page 8, lines 25 and 45, by inserting "remote electronic" before "notarial" on those lines;
30 31	and on page 8, lines 48-50, by rewriting those lines to read:
32 33 34 35 36	"Secretary has established standards under this Article for approval of communication technology, credential analysis, identity proofing, or custodial services to remote electronic notaries, the communication technology, credential analysis, identity proofing, or custodial services selected by the notary must conform to the standards.";
37 38 39 40	and on page 9, lines 2 and 3, by inserting "remote electronic" before "notarial" on those lines;
41 42	and on page 9, lines 5-8, by rewriting those line to read:

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<u>(2)</u>

electronic notarial certificate.

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	rage 4 or 3
1	"(2) Establish standards, processes, and procedures for communication
2	technology, credential analysis, identity proofing, or custodial services.
3	(3) Establish requirements or procedures to approve third-party vendors.";
4	
5	
6	and on page 9, lines 1, 10, and 28, by deleting "Article" and substituting "Part";
7	
8	
9	and on page 9, lines 24-26, by rewriting those lines to read:
10	
11	"(c) Venue in any civil action brought under this Part shall not be controlled or established
12	by a third-party vendor agreement or any other contractual arrangement with the remote
13	electronic notary or the remotely located principal as a party to the contractual arrangement. Any
14	provision in a third-party vendor agreement that requires mandatory binding arbitration is void
15	and unenforceable. For purposes of this subsection, "third-party vendor agreement" means an
16	agreement between a third-party vendor and a remote electronic notary for the provision of
17	communication technology, credential analysis, identity proofing, or custodial services.";
18	
19	1 11 1 47 4 1 1 10 1 00 1 2 4 1 1 4
20	and on page 11, line 47, through page 12, line 23, by rewriting those lines to read:
21	"SECTION 2 Article 2 of Chanton 10D of the Consul Statutes is amonded by adding
22 23	" <b>SECTION 3.</b> Article 2 of Chapter 10B of the General Statutes is amended by adding a new Part to read:
24	"Part 7. Papering Out.
25	"\\$ 10B-160. Reserved for future codification purposes.
26	"§ 10B-161. Papering out of electronic records in tangible form.
27	(a) A paper or tangible duplicate of an electronic document subject to electronic
28	notarization shall be presumed to be a true and correct duplicate of the notarized electronic
29	document if the electronic notarial certificate is affixed to the electronic document in compliance
30	with G.S. 10B-226 and the electronic document has not been changed or modified since the
31	affixation of the electronic notarial certificate.
32	(b) If a custodian attests, in accordance with this section, that the electronic document
33	with the electronic notarial certificate is a true and correct duplicate of the electronic document
34	certification and such attestation is attached to or made a part of a paper or tangible duplicate of
35	an electronic document, the attestation is prima facie evidence that the requirements of this
36	section have been satisfied with respect to the paper or tangible duplicate of the electronic
37	document. The custodian must attest that the electronic document is in a tamper-evident format
38	and to at least all of the following:
39	(1) The capacity in which custodian has custody of the electronic document with
40	the affixed electronic notarial certificate.

The custodian detected no changes or errors in any electronic signature or

other information in the electronic document since the affixation of the

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1	<u>(3)</u>	The custodian personally printed, or supervised	the printing of, the electronic	
2		document onto paper or other tangible medium.		
3	<u>(4)</u>	The custodian has not made any changes or me		
4		document since the affixation of the electronic no	otarial certificate to the paper	
5		or tangible duplicate of the electronic documen	t with the affixed electronic	
6		notarial certificate.		
7	<u>(5)</u>	The electronic document with the electro		
8		acknowledged or sworn or affirmed before a not		
9		document with an attestation in accordance with t	_	
10		a register of deeds under G.S. 161-14, provided a	ll other statutory and locally	
11	<del>- i · · · · · · · · · · · · · · · · · · </del>			
12		sed in this section, "custodian" shall mean a perso		
13	an electronic doc	cument with an affixed electronic notarial certificat	<u>ion.</u> ";	
14				
15 16	and an naga 12	lines 24.25 by requiring these lines to read		
17	1 0	lines 24-25, by rewriting those lines to read: CTION 4. G.S. 20-30(6), as amended by S.L. 2021	24 roads as rayyrittan:"	
18	SEC	21101 4. G.S. 20-30(0), as afficient by S.L. 2021	1-34, leads as lewillien.,	
19				
20	and on page 12	lines 46-47, by deleting those lines.		
20	and on page 12,	imes 40-47, by detering those times.		
	SIGNED			
	SIGIVED	Amendment Sponsor	_	
		Timenament Sponsor		
	SIGNED			
		ommittee Chair if Senate Committee Amendment	_	
	ADOPTED	FAILED	TABLED	